

SCOTTSDALE

CITY COUNCIL MEETING

NOTICE AND AGENDA



COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Kevin J. Osterman

Tuesday, March 7, 2006

4:00 P.M.

City Council Special Meeting

MARKED AGENDA

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **4:02 P.M.**

Roll Call – **ALL PRESENT**

1. REQUEST FOR EXECUTIVE SESSION TO:

- A. Discuss and consult with the attorneys and representatives of the public body for legal advice and to consider its position and instruct its attorneys regarding discussions and negotiations pertaining to a possible settlement or other resolution of *City of Scottsdale v. Edmunds-Toll Construction Company*, CV2004-001025, currently pending in the Maricopa County Superior Court, and to discuss and consult with the attorneys and representatives of the public body for legal advice and to consider its position and instruct its representatives regarding any negotiations for the use or disposition of real property located at 94th Street and Bell Road.
A.R.S. §38-431.03(A)(3, 4, 7). Contacts: Deborah Robberson, City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov; Bruce Washburn, Assistant City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

2. MOTION TO RECESS INTO EXECUTIVE SESSION TO:

- A. Discuss and consult with the attorneys and representatives of the public body for legal advice and to consider its position and instruct its attorneys regarding discussions and negotiations pertaining to a possible settlement or other resolution of *City of Scottsdale v. Edmunds-Toll Construction Company*, CV2004-001025, currently pending in the Maricopa County Superior Court, and to discuss and consult with the attorneys and representatives of the public body for legal advice and to consider its position and instruct its representatives regarding any negotiations for the use or disposition of real property located at 94th Street and Bell Road.
A.R.S. §38-431.03(A)(3, 4, 7).

Adjourn to Executive Session – **4:04 P.M.**

5:00 P.M.
CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:04 P.M.**

Roll Call – **ALL PRESENT**

Pledge of Allegiance – **TROOP 2029, AZTEC ELEMENTARY AND MOUNTAINSIDE SCHOOLS**

Invocation – **PASTOR DAVE ZEHRING, FIRST BAPTIST CHURCH**

Presentations/Information Updates -

Appointment

Judge B. Monte Morgan Reappointment – **OK – 7/0**

Boards, Commissions, and Task Force Nominations: (Note: Interviews and Appointments Scheduled for March 21, 2006)

How the Board and Commission Nomination Process Works: The Council will review applications submitted for the board and commission openings under consideration. From this applicant pool, the Council will select several nominees for further consideration. While welcome to attend, applicants will be contacted if nominated and do not need to be present at the meeting to be considered for nomination.

Airport Advisory Commission (2) – **FRED MADANICK, JAMES OSBORNE, RALPH PATE, MICHAEL SCHELL**

Board of Adjustment (1) – **PATRICK DAVIS, NEAL WALDMAN**

Building Advisory Board of Appeals (3) – **ALAN CONTARDI, CHRISTOPHER VALOCCHI**

Development Review Board (1 Design, 1 Development) – **JEREMY JONES**

Human Relations Commission (2) – **JAMES FOLEY, DOROTHY KERR, HOWARD LAZAR, CAROL PADWE, RICHARD WOERTH**

Industrial Development Authority (2) – **JAY BERENS, JAMES CARMODY, JOEL FELDMAN, BRETT MOORE**

Loss Trust Fund Board (1) – **NORMAN COCANOUR**

Public Comment – **HOWARD MYERS STATED THE PINNACLE PEAK TRAIL WAS VERY POPULAR, BUT LACKED ADEQUATE PARKING FACILITIES. HE ENCOURAGED COUNCIL TO CONSIDER EVERYTHING PRIOR TO APPROVING AMENITIES.**

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Approval of Minutes – **OK – 7/0**

SPECIAL MEETINGS

[February 21, 2006](#)

REGULAR MEETINGS

[February 7, 2006](#)

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Comment Card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. Maloney's Tavern Conditional Use Permit – MOTION TO APPROVE, INCLUDING CRITERIA – OK – 7/0

Requests:

1. Approve a conditional use permit for a bar in an existing building located at 8608 E. Shea Boulevard with Central Business District (C-2) zoning.
2. Adopt Resolution No. 6849 affirming the conditional use permit.

Location: 8608 E. Shea Boulevard

Reference: 25-UP-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

2. Maloney's Tavern (Bar) Liquor License – MOTION TO APPROVE – OK – 7/0

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a series 6 (bar) liquor license.

Location: 8608 E. Shea Boulevard

Reference: 4-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

3. 7th Inning Stretch (Restaurant) Liquor License – OK – C

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a new location.

Location: 10767 N. 116th Street

Reference: 6-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Services, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

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4. **Basilico Italian Restaurant (Restaurant) Liquor License – OK – C**

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location.

Location: 10155 E. Via Linda, #G138

Reference: 7-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

5. **Pinnacle Peak Country Club Agent Change for a Liquor License – OK – C**

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for an Agent change for an existing series 14 (club) liquor license.

Location: 8701 E. Pinnacle Peak Road

Reference: 8-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

6. **Monarch Property - New Monopalm Cell Site Conditional Use Permit – OK – C**

Requests:

1. Approve a conditional use permit for an alternative concealment wireless communication facility as a faux palm tree located at 409 N. Scottsdale Road with Multiple Family Residential District (R-5) zoning.
2. Adopt Resolution No. 6848 affirming the conditional use permit.

Location: 409 N. Scottsdale Road

Reference: 24-UP-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

7. **Skeptical Chemist Conditional Use Permits – OK – C**

Requests:

1. Approve conditional use permits to operate a bar and for live entertainment in an existing building located at 15688 N. Pima Road, Suites C5, C6 and C7 with Highway Commercial District (C-3) zoning.
2. Adopt Resolution No. 6850 affirming the conditional use permits.

Location: 15688 N. Pima Road

Reference: 26-UP-2005 and 27-UP-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

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8. **Main Street Place (LVA) Rezoning – OK – C**

Requests:

1. Rezone from Commercial Office District, Downtown Overlay (C-O DO) and Service Residential District, Downtown Overlay (S-R DO) to Downtown/Office Residential Type 2, Downtown Overlay (D/OR-2 DO) on a 18,316 +/- square foot parcel located at 7502 E. Main Street.
2. Adopt Ordinance No. 3665 affirming the rezoning.

Location: 7502 E. Main Street

Reference: 18-ZN-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

9. **Intergovernmental Agreement with Maricopa County Superior Court Jury Services – OK – C**

Request: Adopt Resolution No. 6855 authorizing Intergovernmental Agreement No. 2006-022-COS, between the City of Scottsdale and the Superior Court of Arizona in Maricopa County to provide jury services to summon jurors as needed in the City Court.

Related Policies, References:

- Scottsdale City Charter, Sec. 9.1.9 and 9.1.10, Formation, Summoning and number of Jurors
- ARS 22-425- ARS 22-426, Jury Trials and Jury Formation in Municipal Courts

Staff Contact(s): Janet G. Cornell, Court Administrator, 480-312-2775, jcornell@scottsdaleaz.gov

10. **Contract Modification for Citywide Paving, Concrete and Storm Drain Work – OK – C**

Request: Authorize Job Order Contract Modification No. 2005-035-COS-A1 with Nesbitt Contracting Company for citywide paving, concrete and storm drain work.

Related Policies, References: Council approved Job Order Contract No. 2005-035-COS with Nesbitt Contracting on March 8, 2005.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

11. **Construction Services Contract for Modification for Chaparral Park Extension and Chaparral Water Treatment Plant Landscaping – OK – C**

Request: Authorize Construction Manager@Risk (CM@Risk) Contract Modification No. 2005-114-COS-A1 with Barton Malow, Inc. for construction services at a Guaranteed Maximum Price of \$5,887,260 for the construction of improvements to Chaparral Park at the southeast corner of Hayden Road and McDonald Drive, and for completion of landscaping at the adjacent Chaparral Water Treatment Plant.

Item No. 11 is continued on the following page

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Item No. 11

Related Policies, References:

- Council awarded Engineering Services Contract 2001-101-COS to Black & Veatch Corporation for the design of the Chaparral Water Treatment Plant located at the southeast and northeast corners of McDonald Drive and Hayden Road on November 26, 2001.
- Council awarded Engineering Services Contract 2001-102-COS to Black & Veatch Corporation for the design of improvements to expand Chaparral Park onto a portion of the site acquired for the treatment plant on November 26, 2001.
- Development Review Board approved Case 40-DR-2003 for the site plan and elevations for the park extension, to include landscaping surrounding the Water Treatment Plant, on July 10, 2003.
- Council awarded CM@Risk Contract No. 2005-114-COS to Barton Malow Company for Phase I Construction Services for the Professional Baseball Training Facilities Project on June 7, 2005.
- Council awarded Construction Bid Award No. 05PB033 for Hayden Road and McDonald Drive Intersection Improvements to Achen-Gardner Engineering on July 6, 2005.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555,
adreska@scottsdaleaz.gov

12. Authorize Payment from the Basin Management Fund to Sanctuary Golf Course for Two Outdoor Restroom Buildings – OK – C

Request: Authorize payment in the amount of \$91,058.81 from the Basin Management Fund to the Sanctuary Golf Course for two Bureau of Reclamation (BOR) approved outdoor restroom facilities to provide services for the golf course users, as well as hikers, joggers, mountain bikers, and equestrian riders who use the City golf course and trails that are located on the BOR Reach 11 property.

Staff Contact(s): Debra Baird, Community Services General Manager, 480-312-2480,
dbaird@scottsdaleaz.gov

13. Intergovernmental Agreement with the Town of Paradise Valley and the Scottsdale School District for Youth Sports at the Kiva Field – OK – C

Request: Adopt Resolution No. 6774 approving Intergovernmental Agreement No. 2005-169-COS among the City of Scottsdale, the Town of Paradise Valley and the Scottsdale School District, which will allow City staff to schedule youth sports activities at the Kiva Field.

Related Policies, References:

- Youth Sports Task Force Report
- Intergovernmental Agreement No. 2005-023-COS, maintenance agreement with the Scottsdale School District

Staff Contact(s): Debra Baird, Community Services General Manager, 480-312-2480,
dbaird@scottsdaleaz.gov

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14. **Loloma (Main Street Plaza) – Amendment to Redevelopment Agreement with the Arts District Group, L.L.C. – OK – 6/0 (WE, COI)**

Request: Adopt Resolution No. 6820 authorizing:

- Agreement No. 2002-024-COS-A3, a third amendment to the Redevelopment Agreement 2002-024-COS
- Second Amendment to Loloma Plat
- First Amendment to Courtyard/Townhome Parcel Option Agreement
- First Amendment to Loft Parcel Option Agreement

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

15. **Arizona Anti-Meth Initiative Grant – OK – C**

Requests:

1. Adopt Resolution No. 6853 authorizing the City of Scottsdale to accept the Governor's Office for Children, Youth and Families grant for \$20,000 and authorizing Mayor Manross to sign Intergovernmental Agreement No. 2006-017-COS agreeing to the terms of the grant contract. The grant will allow the City to assemble and coordinate a community coalition and develop a strategic plan to implement strategies to reduce methamphetamine use.
2. Authorize the transfer of \$20,000 in Future Grants budget to the assigned grant center that will be used to record the grant activity. The Future Grants budget was included in the adopted Grants Budget for FY 2005/06.

Related Policies, References:

- Administrative Regulation 255 Grant Acquisition and Administration
- A.R.S. §11-951 and §11-952 Intergovernmental Agreements and Contracts

Staff Contact(s): Neal Shearer, Assistant City Manager, 480-312-2604, nshearer@scottsdaleaz.gov

16. **Legal Services Contract in Connection with City of Scottsdale v. Bruce Corey, et al. – OK – C**

Request: Adopt Resolution No. 6851 authorizing the Mayor to execute Contract No. 2003-166-COS-A3, an outside counsel contract renewal in a maximum amount of \$60,000 with the law firm of AYERS & BROWN, P.C. for legal services regarding representation of the City of Scottsdale in the litigation entitled *City of Scottsdale v. Bruce Corey, et al.*, Superior Court Case No. CV2000-017994, an eminent domain action brought to acquire real property for the McDowell Sonoran Preserve.

Related Policies, References: Resolution No. 6476

Staff Contact(s): Deborah W. Robberson, City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov; Robert Cafarella, Preservation Director, 480-312-7013, rcafarella@scottsdaleaz.gov

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17. **Expert Witness Contract for City of Scottsdale v. Bruce Corey, et al. – OK – C**
Request: Adopt Resolution No. 6852 authorizing the City to enter into Contract No. 2006-021-COS with Automated Civil Services, L.L.C., in an amount not to exceed \$45,000, to provide expert witness services to the City in *City of Scottsdale v. Bruce Corey, et al.*, CV2000-017994, an eminent domain action brought to acquire real property for the McDowell Sonoran Preserve.
Related Policies, References: Resolution No. 6476
Staff Contact(s): Deborah W. Robberson, City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov; Robert Cafarella, Preservation Director, 480-312-7013, rcafarella@scottsdaleaz.gov
18. **Calendar Year 2006 Audit Plan – OK – C**
Request: Consider and approve an Audit Plan for the Office of the City Auditor.
Related Policies, References:
 - City Charter, Article 2, Section 20, Internal Auditor
 - City Ordinance, Chapter 2, Article III, Division 6, City Auditor**Staff Contact(s):** Cheryl Barcala, City Auditor, 480-312-7867, cbarcala@scottsdaleaz.gov
19. **P.F. Chang Rock 'n Roll Arizona Marathon and Half-Marathon – OK – C**
Request: As recommended unanimously by the Tourism Development Commission at their February 21, 2006 meeting in support of a three-year commitment for the P.F. Chang Rock 'n Roll Arizona Marathon and Half-Marathon (the Marathon), Council is requested to adopt Resolution No. 6846. Resolution No. 6846 directs staff to negotiate annually with the Scottsdale Convention and Visitors Bureau (SCVB) to include the Marathon in the City's contract with the SCVB, thereby enabling the SCVB to enter into a three-year agreement with Elite Racing, the producer of the event. This will provide a consistent level of support for the event that will be incorporated into the SCVB contract and into the City budget that will be brought forward annually for City Council approval in conjunction with the City's budgeting process.
Related Policies, References:
 - The 2002 Fiesta Bowl Agreement provided City funding from the General Fund and the bed tax, along with in-kind municipal services for a four-year period from 2002 through 2006.
 - Economic Vitality Strategic Plan
 - 2005/06 Matching Events Advertising Program, authorized by Council on October 4, 2005.**Staff Contact(s):** Dave Roderique, Economic Vitality General Manager, droderique@scottsdaleaz.gov; Kathy Carlisle O'Connor, Tourism Development Manager, 480-312-7057, kcoconnor@scottsdaleaz.gov

Regular Agenda begins on the following page

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Comment Card for each topic you wish to address and submit it to the City Clerk. **You will be given at least three minutes to speak per item. Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

20. Sereno Canyon (Crown Communities) Density Incentive – MOTION TO CONTINUE TO APRIL 4, 2006 – OK – 7/0

Requests:

1. Approve a density incentive for the Crown Property development, zoned Single Family Residential District Environmentally Sensitive Lands (R1-130 ESL), to increase allowed dwelling units from 101 to 122 dwelling units with amended development standards on 330 +/- acres. This site is located at the east end of Alameda Road near north 122nd Street (northeast corner of east Pinnacle Peak Road alignment and north 122nd Street alignment, north to Happy Valley Road alignment).
2. Adopt Ordinance No. 3661 affirming the amended development standards.
3. Adopt Resolution No. 6826 affirming the density incentive.
4. Adopt Resolution No. 6854 authorizing the Mayor to execute Development Agreement No. 2006-019-COS.

Location: 122nd Street and Alameda Road

Reference: 1-ZN-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

21. CIP Contingency Budget Transfer for Senior Center at Granite Reef CIP Project – MOTION TO APPROVE AUTHORIZING FUNDING FROM GENERAL FUND CIP CONTINGENCY – OK – 7/0

Requests:

1. Authorize a CIP Contingency Budget transfer in the amount of \$800,000 to the Senior Center at Granite Reef CIP Project (Acct. No. P0207).
2. Select a funding option for the requested budget transfer by either:
 - A) Authorizing funding from General Fund CIP Contingency; or
 - B) Authorizing an \$800,000 Bond 2000 funds transfer from the Lost Dog Wash Access Area project (Acct. No. P0403) and replacement of the bond funds in this project account with dedicated Preserve Sales Tax revenues in an equal amount.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

City Manager's Report – NONE

Mayor and Council Items

22. Legislative Update – PROVIDED BY BRIDGET SCHWARTZ-MANOCK

Update: Provide update to the City Council and receive possible direction regarding current and pending State legislative issues and policies.

Related Policies: Pursuant to the 2006 State Legislative Agenda adopted by the City Council on December 13, 2005

Staff Contact(s): Bridget Schwartz-Manock, Intergovernmental Relations Director, bschwartzmanock@scottsdaleaz.gov, 480-312-2423; Neal Shearer, Assistant City Manager, nshearer@scottsdaleaz.gov, 480-312-2604

Public Comment – NONE

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

Adjournment – 6:37 P.M.